

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
v.	)	No. 3:08-CR-142
	)	(Phillips)
DAVID C. KERNELL,	)	

**MEMORANDUM AND ORDER**

On November 20, 2009, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed a Report and Recommendation ("R&R") [Doc. 88] in which he recommended to deny defendant's Motion to Dismiss Allegations of Identity Theft [Doc. 41]. The parties appeared before Judge Shirley for a hearing on June 30, 2009.

This matter is presently before the court on defendant's timely objections to the R&R [Doc. 92]. As required by 28 U.S.C. § 636(b)(1), the court has undertaken a *de novo* review of those portions of the R&R to which defendant objects.

Defendant does not raise any new arguments in his objections, and the Court finds itself in agreement with Judge Shirley's analysis of the legal issues. Consequently, defendant's objections will be **OVERRULED** [Doc. 92], the R&R [Doc. 88] will be **ACCEPTED IN WHOLE**, and the underlying motion to dismiss [Doc. 41] will be **DENIED**.

**IT IS SO ORDERED.**

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge